



**UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/048,009	03/26/98	SARAT	J 032326-003

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EXAMINER	
ETIENNE, A	
ART UNIT	PAPER NUMBER
2781	2

DATE MAILED: 07/06/99

Please find below and/or attached an Office communication concerning this application or proceeding:

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/048,009

Applicant(s)
SARAT

Examiner
Ario Etienne

Group Art Unit
2781

☒ Responsive to communication(s) filed on Mar 26, 1998

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-25 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-4, 8, 9, 11-20, 23, and 24 is/are rejected.

☒ Claim(s) 5-7, 10, 21, 22, and 25 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

1. This is a first office action in response to application filed on March 26, 1998 in which claims 1-25 are presented for examination. Claims 1-25 are therefore pending in the application.

Drawings

2. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

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4. Claims 1-4, 8-9, 11-20 and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Renner et al (Renner, 5,679,945) in view of Kenneth et al (Kenneth, 5,594,233).

As per claims 1, 11-12, 15 and 18, Renner discloses a multi-function/protocol intelligent/smart card reader (interface device) for interfacing with smart cards; implicitly discloses the smart card to contain a microprocessor and associated memory and a plurality of contacts for transferring data to and from the microprocessor and memory (see abstract and col. 1, lines 36-45 and col. 2, lines 43-55). The recitation of at least a (first) set of mating contacts in the interface device (card reader) which correspond to a (first) set of contact in the smart/user card that are respectively associated with a set of signals conforming to a (first) protocol is implicitly disclosed by Renner since any smart card or user card must contain at least a set of contacts and since a corresponding card reader must also contain a set of mating contacts in order to allow communications between the card and reader. Although Renner fails to explicitly disclose a mode contact in the card reader that correspond to another contact of the smart/user card and a mode signal generator for providing a signal which causes the microprocessor in the smart/user card to operate with a second protocol mode when the card is received at the interface device, however, Renner discloses setting the smart card reader in a mode which will handle a particular smart card (see col. 8, lines 51-54). This suggest that a mode contact and mode signal generator must exist in Renner in order to set the card reader to an appropriate mode for handling various cards inserted to it. It is noted that Renner fails to disclose the limitation of causing the microprocessor

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of the smart card to operate in accordance with a second protocol mode. However, Kenneth discloses multiple standard smart card reader in which Kenneth discloses implementing an appropriate communications protocol if it is determined that a card is an ISO standard card (see col. 8, lines 39-41). This strongly suggests that the card, and therefore, the card's microprocessor can be caused to operate according to more than one protocol mode. Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to combine the teachings of Renner and Kenneth, by implementing in Renner Kenneth's teaching related to operating the microprocessor of a smart card in more than one protocol mode, because this would increase the flexibility and compatibility of the resulting smart card and associated card reader.

As per claims 2-4, 13-14, 16-17 and 19-20, Kenneth discloses implementing an appropriate communications protocol if it is determined that a card is an ISO standard card (see col. 8, lines 39-41). This strongly suggests an ISO protocol mode and at least a on-ISO protocol mode. The references fails to disclose selecting the non-ISO protocol mode from a group comprising PS/2, USB and I2C protocols. However, official notice is taken that both the use and associated advantages for using each of the recited protocols are well known in the art as one skilled in the art would select the USB protocol for improving the expendability of a system.

As per 8-9 and 23-24, Renner further discloses applying a reset signal to one of the contacts of the smart card (see col. 8, 58-61).

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Allowable Subject Matter

5. Claims 5-7, 10, 21-22 and 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Pawate et al and Deo et al are cited for disclosing information related to the claimed invention.

Applicants are requested to consider these prior art references for relevant teachings when responding to this office action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ario Etienne whose telephone number is (703) 308-7562. The examiner can normally be reached on Mondays-Thursdays from 7:30AM to 6:00PM.

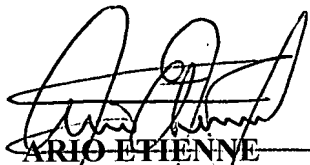
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh, can be reached on (703) 305-9648 or at e-mail address ayza.sheikh@uspto.gov. The fax phone number for this Group is (703) 308-5358.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

A.E.

June 29, 1999



ARIO ETIENNE
PATENT EXAMINER